

**Submission**  
**on the Amended Children's Bill (76 Bill; 30<sup>th</sup> July**  
**2006. Summary gazetted 14<sup>th</sup> July 2006) to the**  
**Portfolio Committee on Social Development**

**From the South African Congress for Early**  
**Childhood Development, and the Early Learning**  
**Resource Unit (ELRU)**

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**This Submission has been endorsed by:**

Early Learning Resource Unit (ELRU)

South African Congress for Early Childhood Development

New Beginnings Early Childhood Development Training Project

TREE

Johannesburg Child Welfare Society

RAPCAN

SASPCAN

Children's Institute

**1. Introduction**

*"Early Childhood Development (ECD) is an umbrella term that applies to the processes by which children from birth to at least nine years grow and thrive - physically, mentally, emotionally, spiritually, morally and socially".<sup>1</sup>*

A major challenge which faced the newly elected democratic Government in 1994 was the need to provide holistic care for all South African children.<sup>2</sup> There are 8,3 million children in the birth to nine years category (18,5% of the total population)<sup>3</sup>. The environment in which the majority of very young children find themselves has rendered them developmentally at risk due to decades of racially discriminatory political, social and economic policies and practices. Children living in poor households are most at risk of infant death, low birth weight, stunted growth, and poor adjustment to school; increased repetition and school drop out. The National Food Consumption Survey indicated that 52% of children birth to nine years experienced hunger on a daily basis. Poor nutrition has been shown to compromise brain development at this critical stage. An analysis by Woolard concluded that

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<sup>1</sup> Education White Paper 1 on Education and Training (1995), the Interim Policy for Childhood Development (1996), The White Paper for Social Welfare (1997) White Paper 5 on Early Childhood Development (2001) and Guidelines for ECD Services (2005)

<sup>2</sup> Department of Education (2001) Education White Paper 5 on Early Childhood Development.

<sup>3</sup> Leatt, A (2006). Poverty and Young Children in South Africa. Children's Institute.

nearly 75% of all children in South Africa are poor and nearly 55% are ultra poor; living in households with less than R215 per person per month.<sup>4</sup>

A number of departmental and intersectoral policies which affect early childhood development are in place. Government programmes have steadily increased access to basic services (water and sanitation) and the child support grant but 84 % of South Africa's children remain outside of ECD service provision.

The Integrated Plan for Early Childhood Development<sup>5</sup> addresses the rights of young children to ECD services and programmes including the sub-programme, Tshwaragano ka Bana, which aims to focus on poor and vulnerable children (0-4 years) and their families.

ECD services and programmes are particularly important for children living in poverty and vulnerable children, as it can enhance their long-term capacity to participate fully in the realisation of their rights and abilities. The early childhood years are the critical years period for the development of innate potential. Studies have shown that infants raised in stimulating environments have better brain function in later years. Parents are the first duty bearers of children and ECD programmes and services should enhance relationships between both parents and the primary caregivers of young children.

*From pregnancy child development until primary school development progresses at a pace greater than at any other stage of life. The child under 2 years begins to acquire language and thinking skills at a rapid rate and to show increasing capacity to handle social, emotional and moral behaviour.*

ECD is therefore the period in which primary prevention and early intervention can be most effective. Exposing children to appropriate early stimulation, nutrition, health and care through a range of services and appropriate programmes has many benefits, which can reduce the need later for costly medical, remedial and welfare services and which can impact positively on the child's general well being and prospects in life.

***The importance of investing in ECD, increasing access and improving programme quality cannot and must not be underestimated<sup>6</sup>***

**What ECD programmes can offer and can achieve:<sup>7</sup>**

- can assist children's transition to schooling and improve efficiency in the education system by reducing costly repetition rates;
- provide opportunities for play and learning with trained caregivers/practitioners and age appropriate materials and equipment;
- fall within the ideal phase for the inculcation of values such as anti-racism, anti-discrimination and respect for human rights;

<sup>4</sup> Quoted in Streak, J and Kgamphe, L. (2004) **Monitoring Child Socio-economic rights in South Africa: Achievements and Challenges**, IDASA, Cape Town

<sup>5</sup> An integrated plan for ECD in South Africa (2005-2010)

<sup>6</sup> Biersteker, L & Dawes, A(2006) in press.

<sup>7</sup> Biersteker, L.(2001) **Early childhood development a review of public policy and funding**. Cape Town: Idasa, p4

- can provide support and information direct to parents and other caregivers building upon existing beliefs and practices around child raising;
- are critical for the early identification and prevention of at-riskness in children, as regards learning difficulties as well as social, behavioural and health problems (including HIV and AIDS infected and affected children and orphaned and vulnerable children);
- are key for providing children with safe environments to play and learn while their parents are away at work, thereby protecting them from abuse and neglect due to being unsupervised at home.

#### **Job seeking and employment opportunities:**

A number of socio economic factors are contributing to an increasing demand for ECD provision. These include the changing roles of women, the impact of the HIV AIDS pandemic, changing family structures and increasing economic pressure on families which require caregivers to enter the job market to help with household expenses. The ECD sector is also an important place for job opportunities as practitioners and caregivers. The other reality is both the paucity of jobs and the subsistence nature of jobs leading to the need for a variety of ECD programmes including parent/primary caregiver education and support programmes as noted by both the Departments of Education and Social Development, ***but subsidies at present are only available for ECD centre based facilities.***

The availability of ECD services and programmes allows parents/primary caregivers to place their children in a safe and stimulating environment, thus freeing them up to look for employment and engage in economic activities. Regardless of the parent's choice, all ECD facilities should provide a good quality service and high standard of care to children that would aid in the development of the child.<sup>8</sup> Even if caregivers are not working, some child care support can free them for subsistence activities, to participate in capacity building opportunities and employment opportunities. ECD programmes play a critical role in providing support for HIV and AIDS infected and affected families with very young children.

#### **Budgetary commitment:**

The Interim Policy for ECD recognises the importance of public funding for ECD services. "The public funding of ECD programmes is justified on many grounds. It can help redress past discrimination against young children, protect the rights of children and women, promote human resource development, help prevent costly social pathologies, secure more efficient performance by children in school and improve the effectiveness and efficiency of the schooling system"<sup>9</sup>.

The Report on the National ECD pilot project outlines the importance of a strong political will within Provincial government to enhance ECD provisioning. This is particularly important with regard to budgeting processes because in certain provinces funding for ECD services has been absorbed for other expenditures. It is proposed that funding for ECD projects be ring fenced so that they are not used for any other purposes, or provided through a conditional grant. **ECD should be moved**

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<sup>8</sup> Department of Social Services and Poverty Alleviation (2003) **Audit of ECD provisioning in the Western Cape**, p4

<sup>9</sup> Op Cit 2, p28

from the periphery of government to its core thus getting the appropriate budgeting attention it requires.<sup>10</sup>

**The current reality:**

The current reality is that those ECD facilities and programmes that do exist remain poorly resourced and dependent on fees which the majority of the parents who are poor can ill afford. The standards expected of ECD centre based facilities are unreachable without conditional grants. Per capita subsidies to cover salaries, equipment and food and based on parental income are critical but the extent of coverage is poor. R 9.00 per child per day<sup>11</sup> has been shown to be the basic rate required but this rate varies per province and district with some per capita subsidies as low as R2.00 per child per day. Overcrowding, unhealthy and unstimulating conditions remain the dominant characteristics of ECD services and programmes in South Africa.

**HIV & AIDS**

The ravages of HIV & AIDS are steadily undermining the gains of SA's new democracy and putting pressure on ECD sites to respond to the desperate needs in the communities and in the families. The most recent figures<sup>12</sup> present a terrifying picture of the relentless nature of this disease.

63,000 children were born infected in 2004

250,000 children from birth -14 were HIV positive or had AIDS type illnesses.

40% of child deaths are attributed to HIV.

600,000 children (0-18 years) have been orphaned.

All these figures are expected to rise significantly by 2015. Programmes which support the psycho social needs of children are critical – children need positive role models and opportunities for healthy development which meets their cognitive as well as emotional and social needs. Far too many children are growing up in environments characterized by illness, crime and violence leaving them vulnerable to abusive treatment.

**ECD Non governmental organisations**

South Africa's ECD non governmental organisations provide a range of ECD services and impact on policy and programme development. Yet the role they play as vital delivery agents is under-utilised and financially unsupported.

ECD remains the most vulnerable sector in relation to Provincial budgets. ECD NGO's are facing even greater challenges in the face of dwindling financial resources caused by the withdrawal of direct funding by many international donor agencies and problems that have emerged with the designated South African agencies. The Children's Bill needs to ensure that the range of ECD programmes that meet the needs of all children and families in South Africa is extended and endorsed. Centre and school based ECD programmes are not the only alternatives. Programmes and services with direct outreach to the primary caregivers of children must also be recognised. Children who do not have access to school or centre based ECD sites due to ill health or other reasons should not be left out of the loop of ECD provisioning. ECD outreach services should be extended to these children who are home bound.

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<sup>10</sup> Op Cit 20 ,p4

<sup>11</sup> Discussion with Linda Biersteker, ELRU (Aug 2006).

<sup>12</sup> Actuarial Society of SA as quoted in Leatt Poverty and children in SA (2006).

Public works and local government must be called upon to provide one stop centres for children and families which can become a nucleus for ECD services in a variety of ways. ECD centres must be encouraged to adapt to changing needs and supported to respond to the HIV AIDS as it increases by adapting programmes to meet the needs of affected or infected children and their families).

**2. Government's Role in ECD Provisioning** see Appendix 2 for a comprehensive list of Government programmes, policies and legislation that provide the framework for ECD provisioning:

The Government has prioritised ECD in many policies and programmes. These are included under the mandate of various departments. Apart from ECD services, other programmes focusing on young children include free maternal and child health care for children under 6 years, the child support grant for children under 11 years and the 'flagship' programme for unemployed women with children under 5 years.

The list of policies, programmes and laws developed by various Government departments' points to Government's commitment to allocate resources to vulnerable children and their caregivers. Not all of the policies have a direct focus on ECD, but they all play an important role in enhancing the well-being of children between 0 and 9 years.

The Departments with major responsibility for services to young children in terms of ECD are Education, Social Development and Health. The Department of Education is the lead department in the provision of early childhood education to children between the ages of 5 and 6 years with the provisioning of Grade R. The Department of Social Development registers and subsidises ECD providers that offer services to children who are not in Grade R. The Department of Health provides free services to pregnant mothers and children under six years. Screening for developmental delays is included in this service.

The effectiveness and cost savings that can be brought about through integrated service delivery is generally understood, and is emphasised in current social sector and developmental policies. By definition ECD emphasises a holistic approach. This requires role players and in particular, the public sector departments jointly responsible for delivering ECD services, to work together. It is also recognised that effective collaboration is hard to achieve because of different departmental approaches, priorities, administrative procedure, budget processes, etc.<sup>13</sup>

### **3. International and Equality Law provisions relevant to ECD**

The Convention on the Rights of the Child recognises that the duty to care for children lies primarily with both parents<sup>14</sup>. The State party to the Convention has a duty to assist the parents in fulfilling this obligation<sup>15</sup>. It must provide assistance for families with any measures that can help prevent family breakdown. A variety of ECD programme options including parent/primary caregiver and family support

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<sup>13</sup> Op Cit 5, p26

<sup>14</sup> Article 18 (1) of the CRC states that the both parents have 'the primary responsibility for the upbringing and development of the child'.

<sup>15</sup> Article 18(2) states that for the promotion of the right in the Convention 'State Parties shall render appropriate assistance to parents and legal guardians in the performance of their child rearing responsibilities'.

programmes and day care programmes are mentioned among the practical ways of doing this.<sup>16</sup> The CRC states that State parties 'shall ensure the development of institutions, facilities and services for the care of children'<sup>17</sup>. The State therefore has to provide facilities and services that reach all children whatever their socio economic circumstances. The right of children of working parents to benefit from child care services and facilities and the right of children is specifically pointed out<sup>18</sup>.

Article 3(3) deals with institutions that care for and protect children. It states that these institutions must conform to safety and health standards. The staff must be suitable and competent. This article was drafted in reference to child care services particularly for very young children as they have developmental needs for security, consistent individual relationships and one-to-one stimulation.<sup>19</sup> High adult/child ratios are more likely or feasible in family settings – which is another reason to promote support for family based programmes.

In the guideline for periodic reports the Committee of the Rights of the Child has asked for information on any initiatives by the member States to provide early development and education services for young children, especially for young children from disadvantaged social groups.<sup>20</sup> It has stated that facilities must be developed in rural as well as urban areas. These facilities must meet certain standards and the people who are working with children must be properly trained. The need for such facilities should therefore have direct impact on national policy.<sup>21</sup>

ECD is also relevant in relation to the child's right to develop<sup>22</sup>. The Committee on the Rights of the Child has emphasised that it sees 'development' as a concept which is embraced by the Convention as a whole. Measures must be taken to ensure the 'development of the child including physical, mental, spiritual, moral, psychological and social development, in a manner compatible with human dignity, and to prepare the child for an individual life in a free society'<sup>23</sup>. The quality of the care that children receive affects their development of social and educational skills<sup>24</sup>. Many obligations under the CRC are relevant for the development of the child. One example is article 29, which states that the aim of education is the development of the child. This includes making available resources for education and access to services such as child care facilities that encourage the positive development of the child's personality.<sup>25</sup> In the document "Implementing Child Rights"<sup>26</sup> the UN Committee highlights the importance of stimulating play environments for children, noting that children learn by active involvement with learning materials, other

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<sup>16</sup> UNICEF (1998). **Implementation Handbook for the Convention on the Rights of the Child**. R. Hodkins, P. Newell. New York, Unicef publications: 232.

<sup>17</sup> Article 18(2).

<sup>18</sup> The CRC makes particular reference to children of working parents in article 18(3).

<sup>19</sup> UNICEF (1998). **Implementation Handbook for the Convention on the Rights of the Child**. R. Hodkins, P. Newell. New York, Unicef publications: 233.

<sup>20</sup> Guidelines for Periodic reports, paragraph 106.

<sup>21</sup> Martha F. Davis and Roslyn Powell (2003). "The International Convention on the Rights of the Child: A catalyst for Innovative Childcare Policies." **Human Rights Quarterly** 25(3): 689- 719 at page 696.

<sup>22</sup> Article 6(2) of the CRC states that State Parties shall ensure to the 'maximum extent possible the survival and development of the child'.

<sup>23</sup> Guidelines for Periodic Reports of the Committee on the Rights of the Child (paragraph 40)

<sup>24</sup> Martha F. Davis and Roslyn Powell (2003). "The International Convention on the Rights of the Child: A catalyst for Innovative Childcare Policies." **Human Rights Quarterly** 25(3): 689-719 at page 694.

<sup>25</sup> General Assembly (1986). Declaration on the Right to Develop.

<sup>26</sup> A guide to general comment 7, **Implementing Child Rights** (2005) UN Committee on Child Rights, UNICEF & Bernard van Leer Foundation.

children and people and not only via teacher direction. It is important to note that children in ECD settings learn how to function democratically by learning how to get along with others, how to plan and carry out their plans and engage in simple decision making.

Early childhood development in particular is mentioned in the Plan of Action designed for implementing the World Declaration on Survival, Protection and Development of Children. In the Plan of Action it was stated that education of children and adults alike is enabled through the existence of affordable or free ECD services. **The Plan recognises specifically that women's rights and children's rights are inextricably linked.**<sup>27</sup>

#### **4. A snapshot of the status of ECD-based on findings from the Nationwide Audit of ECD provisioning in South Africa<sup>28</sup>**

The Department of Education undertook an audit of ECD sites in 2000 to inform policy decisions regarding ECD. The audit identified 23 482 ECD sites which catered for 1 030 473 children. Less than one sixth of children in the 0-7 year age cohort were in any form of ECD provisioning.<sup>29</sup> Half of the learners were in the 5-6 year age cohort whilst most of the rest were under age 5. Only 2% were reported to be older than 7 years. Just over 1% of learners had some sort of disability and these children were disproportionately represented in age 7 and older age group.

It is estimated that about half of the sites were community based; a third home based and less than one fifth were schools based.<sup>30</sup> Similarly, 57% learners were enrolled in community sites, a quarter in home based sites and one fifth in school based sites.<sup>31</sup> Home based sites tended to operate for longer hours than other sites (at times in excess of 10 hours) and therefore offer after school services. Children under age 5 that are in ECD sites are mostly at home based sites, while 5-7 year olds are found at either community or school based sites.<sup>32</sup> 17% of learners of children who fall within the age of range of those requiring reception year services, are catered for in home based sites.<sup>33</sup> This must be taken into account, especially since the Department of Education's focus of Reception year provisioning is school and community based sites.

Two thirds of sites were registered, either with Department of Education or Department of Social Development or both. Almost a third of sites charged fees less than R25 a month and half of all sites audited did not receive regular fee payments. A quarter of sites indicated that they relied on fees as their sole source of income thus leaving them financially vulnerable.<sup>34</sup>

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<sup>27</sup>(1990). Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990's: 8 at page 20.

<sup>28</sup> Department of Education (2001) The nationwide audit of ECD provisioning in South Africa.

<sup>29</sup> Ibid, p1

<sup>30</sup> Op Cit 24, p30

<sup>31</sup> Ibid, p39

<sup>32</sup> Ibid, p163

<sup>33</sup> Ibid, 163

<sup>34</sup> Ibid, p34

**Missing** in the ECD audit was information about parent education and parent support programmes. The focus was mainly on the existing centres including home based centres. The importance of parent education programmes is noted in all policy documents. ECD NGO's have played a vital role in the development of a number of parent education and outreach programmes which succeed in reaching large numbers of unreached children via the services of locally trained and supported parent educators (also known as ECD family and community workers). Such programmes must be included in funding allocations.

#### **4.1 ECD centre based practitioner qualifications:**

The qualifications of the nearly 50 000 ECD centre based practitioners was broken down as:

<b>Qualification</b>	<b>Number (%)</b>
No Training	11033 (23%)
NGO Training	20730 (43%)
Under qualified – JC or Matric plus 2 years	7563 (15%)
Qualified	5620 (12%)
Non ECD Qualification	3615 (7%)

The majority of educators received their training from NGO's and are thus 'unqualified' according to the Department of Education. Anyone with less than a Diploma is considered to be under qualified which includes people trained in the technikons, and Department of Education teachers trained according to older qualifications such as JC +2 and SC +2. Twenty percent of educators have received no training at all and only 10% are adequately qualified. Most ECD practitioner training is provided by NGO's, of which only a third were accredited at the time of the research. Department of Social Development requires a Level 4 for supervisors and Level 1 for other staff in centre based ECD programmes. This training is increasing the number of adequately trained people quite a lot although many of them will not have a full qualification.

Of interest is that home based sites have a higher fee level yet, they offer weaker programmes, and the educators are less qualified and have less experience. This is a matter of concern due to the large number of children, including those requiring Reception year services, in home based sites. Due to the emphasis of ECD policy (eg The Integrated plan for ECD in SA) on providing a holistic service that enhances the development of children, any inadequacies in home based provisioning must be addressed.

Whilst the emphasis lies on a structured, preparatory curriculum for 5-6 year age cohort through a Reception year programme, there is an equal need for a similar system for younger children to optimise their development.

#### **4.2 Parent support and education programmes including home visiting:**

The nature of ECD facilities (services and programmes) must be addressed so that they are not narrowly interpreted as childcare or daycare centres. These are very expensive options, and are not necessarily congruent with South African child rearing practices. Also, without proper resources and trained staff could be potentially harmful to children. Parent support and education programmes including home visiting form an essential part of comprehensive ECD provision.



Such programmes make contact with the primary caregivers of children in their homes at strategic times for child development such as during the first three years. It is at this stage that parents and primary caregivers are most easily 'brought on board' with regard to ECD programmes which focus on parent/caregiver education and information around the developmental needs of young children.

### **4.3 Curriculum for the under 5's:**

There is work in progress on curriculum guidelines for children under 5 from the Department of Education but without commitment in the foreseeable future for funding for this age group.

## **5. The challenges for ECD:**

### **5.1 The promotion of children's' well being is the first and major challenge and includes:**

Prevention and early intervention: Early childhood development services and programmes are part of the national prevention strategy. Prevention in early childhood is particularly important - as this is a stage at which much potential damage can be averted or reduced in impact for children with disabilities and chronic diseases. Appropriate *referral* of children is required for those children who are identified with health or social needs.

### **5.2 The vital need for nutritional support for children in ECD services and programmes:**

Studies from neuroscience have shown that the first two years of the child's life are critical for brain maturation. Many children in SA suffer from malnutrition or under nutrition which can lead to both physical and intellectual stunting. The Primary School Nutrition Programme is inadequate in that it serves the needs of only those ECD children in the Grade R classes attached to primary schools. An ECD nutrition programme is needed for the vast majority of children who are outside of the existing school based Grade R programmes. Nutritional support must go beyond ECD at schools and centre based facilities, in order to reach vulnerable children wherever they are and via ECD outreach programmes such as family home visiting programmes.

As adequate nutrition is so critical to early years, the Children's Bill must make provision for the inclusion of a comprehensive Nutritional Plan as a very specific requirement. The Department of Health has stopped its nutrition subsidy for crèches and preschools on the basis that Department of Social Development subsidies should cover food. However the majority of ECD sites are not subsidised and in many cases subsidies are not sufficient to meet RDA and other requirements such as salaries and equipment. As the Department of Health has transferred the primary school nutrition programme over to the Department of Education it should look at other ways it could assist ECD services including family based programmes to deal with the problem of malnutrition. A possible suggestion is the use of community health workers to educate ECD service providers on adequate nutrition requirements for young children. This type of information sharing should take into account the practical constraints faced by these service providers and provide them with

guidance on how to meet nutrition requirements with the minimum resources at hand. Poverty alleviation programmes is providing some nutritional support which differs in the different provinces. Emergency rations for three months provide some relief but do not go far enough to assuage the dire need for consistent food for vulnerable children and particularly those at risk and those infected and affected by HIV AIDS.

## **5.2 Focus on poor, marginalised, vulnerable children and children with disabilities<sup>35</sup>**

Opportunities for ECD are critical for young children who are poor, and marginalised and those children with disabilities or chronic illnesses who (more than many others) require every opportunity for stimulation, in order to develop basic communication, mobility and life skills. Particular focus needs to be placed on children who are deaf or blind, as well as those who have multiple disabilities. It is essential that the principles of ECD be consistent with those of the Education White Paper 6<sup>36</sup>, so that an *inclusive approach* to ECD is advocated and that there is a focus on removal of barriers to learning.

Currently in the Children's Amendment Bill<sup>37</sup>, there is no reference made to appropriate norms and standards for ECD facilities to cater for children with disabilities and chronic illnesses including HIV AIDS. These might include for example the adaptation of the daily programme offered to include longer rest periods, the physical adaptations that may need to be made, or specialised seating provided. There is also no reference to the appropriate training of ECD personnel to ensure that they are suitably trained and equipped to cater for children's diverse needs (e.g. First Aid training, comforting a child whose parent has passed away).

## **5.3 Range of ECD services and programmes**

In order to flesh out the policy commitments to broad ECD programming, **family based home visiting programmes and playgroups must be included in the range of programmes.** Family programmes (such as those home visiting programmes and parent education programmes run by NGO's and those run by parents of children with disabilities or chronic illnesses) have the potential to provide direct support to the primary caregivers of vulnerable and disabled young children. However, in order to provide a sustainable and high-quality service, they need subsidies, training for practitioners and nutritional support<sup>38</sup>.

Recognition and support need to be given to parents of children with disabilities and chronic illnesses, who run home-based informal stimulation centres. These parents need to be given training and financial support, so that the centres can be registered and further developed in partnership with the Department of Social Development and/or Education. ECD centres and home based programmes in poor communities that are without funds and resources are unlikely to meet the requirements - thus condemning the children in such places to unregistered and often substandard care<sup>39</sup>. Funding policies need to include ECD sites that cater for children with a range of impairment types including children infected or affected by HIV and AIDS.

<sup>35</sup> Excerpt taken from DICAG Submission to the Portfolio Committee on Social Development on the **Children's Bill: Section 75 [B70-2003 (Reintroduced)]**

<sup>36</sup> Dept of Education 2001

<sup>37</sup> Children's Amendment Bill, Minister for Social Development 30 June 2006

<sup>38</sup> Draft submission for discussion - ECD sub-group submission on the Children's Bill (ELRU August 2003)

<sup>39</sup> Draft submission for discussion - ECD sub-group submission on the Children's Bill (ELRU August 2003)

A number of ECD NGO's can provide examples of integrated approaches to ECD provision which require support.<sup>40</sup>

#### **5.4 Training and capacity building of parents, primary and secondary caregivers.**

Learnerships in ECD are contributing to improving the standards and quality of ECD programmes at Levels 1, 4 & 5.

*There is also a place for less formal training of caregivers who will not manage to achieve all the requirements of a Level 1 or a Level 4 but who provide a valuable community service. It is a matter of serious concern that Level 4 will be the entry level of the future. ECD NGOs can provide evidence of good practical programmes which build on what people know and enhance skills and capacity. Such programmes also require recognition and financial support.*

**5.4 Resources** are needed in order to secure ECD programmes and such resources must include funding for the practitioners and the educational equipment and materials.

**5.5 Community based, youth and women's groups, as well as Faith Based Organisations** must play a vital role in providing support and monitoring.

**5.6 NGOs (Non-Government Organisations) and CBOs (Community Based Organisations)** already provide the bulk of capacity building, support, development and monitoring and need to be properly financially supported. **5.7** Intersectoral responses from some of the responsible government departments must assist ECD sites with referrals and include:

**Department of Social Development** must take overall responsibility for non school based ECD provisioning. ECD sites including home visiting and other services must be registered and subsidized to ensure minimum standards are met and that sites are sustainable. As ECD sites should be accessible for all children, the Department must be able to identify those children who had fallen through the 'safety net', as well as provide services and grants to orphans and vulnerable children and their families/caregivers.

**Department of Health** must provide early year's assessment services in order to identify appropriate interventions. Developmental screening for disabilities is not routinely implemented and this needs urgent attention. They must be in a position to monitor the status of the children's nutrition, health, growth and immunization, as well as the integration of children with special needs, disabilities and chronic illnesses including HIV and AIDS into existing or planned ECD services.

**Department of Education**, in addition to providing Grade R services, must monitor the quality of the ECD programmes, as well as the after school care and recreation programmes.

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<sup>40</sup> Linda Biersteker (2003) Early Learning Resource Unit (ELRU)

**Department of Agriculture** must play a role by identifying particularly vulnerable ECD sites and ensuring that wherever possible the ECD site has a food garden to sustain food security.

**Department of Housing** must ensure that facilities are made available in all communities and particularly new housing developments for ECD services and programmes. Landscapes must include safe places to play.

**Department of Home Affairs** must ensure that Children and their caregivers gain prompt and assisted access to gain birth certificates and other identity documents.

**Provincial budgets** must ensure that ECD services and programmes are prioritised as the basis of the comprehensive prevention strategy. ECD is vulnerable to patterns of spending in some Provinces.

**Local Government** must take responsibility for data collection re children at the local level in order to establish and extend ECD services and programmes, as an integral part of the Integrated Development Plans (IDP's).

**Provincial Programme of Action for Children** through the establishment of the LPA's (Local Programmes of Action) must play a monitoring and co-ordinating role.

## **6. Summary of ECD provisions in section 76 of the Children's Bill**

An early childhood development service for 0 – 9 year olds (see clause 91) in our view includes Partial care facilities (Chapter 5) and Early childhood development (ECD)(Chapter 6) and Prevention and Early Intervention (Chapter 8). Synchronisation of these chapters is critical in order to avoid confusion and overlap. Together they must provide the framework for the establishment and development of a range of services and programmes appropriate to the needs of both children and their caregivers. A comprehensive and well planned approach is needed to encompass the needs of the majority of SA children who presently remain marginalised, orphaned, disabled, ill (including HIV and AIDS) and outside of existing service provision. In order to monitor progress in the future these chapters must specify the importance of efficient and effective data collection including measurable outcomes for children (such as health, nutrition, behavioural and cognitive performance) starting at community level.

### **CHAPTER 5: PARTIAL CARE.**

**Clause 76:** Partial Care must address the principles of access and redress are important given the vast disparities which continue to affect the majority of children in South Africa. The focus for Partial Care must be on the planning, regulation and funding of a comprehensive ECD service that is needed as part of the prevention strategy for South Africa's youngest children.

A comprehensive service must include where appropriate: Preschools, Nursery Schools or Educare centres, Playgroups, Crèches/day care, Baby care, Home visiting and Parent Education programmes, Family education health and nutrition programmes (White paper for Social Welfare 1997), Grade R/Reception Year, After school care, Summer camps, Programmes for disabled children, Developmental screening programmes, Early intervention programmes etc.

**Clause 77: Provision of Partial Care.** If the definition of early childhood development is instated as 0 – 9 (refer clause 91) then a coherency returns because essentially in each chapter the distinction between the age cohorts would be relatively easy to clarify. “Children’s services” then becomes an overarching term within which different services and programmes would be provided for the different age cohorts.

**Clause 77 Provision of Partial care**

**Insert (77 (2))** The Minister must determine the national norms and standards after consultation with the MEC’s for Social Development, **Education, Health, Justice,** the Financial and Fiscal Commission and the Minister of Finance.

The MEC’s for Health and Education in particular play a vital part in the delivery of ECD services.

**Clause 80: Notice of enforcement**

**1a)** If a partial care facility is closed **then alternative arrangements must be made with immediate effect.**

Closure of partial care facilities often leads to great hardship for the parent/caregivers as alternative facilities are hard to find in many places.

**Clause 81: Application for registration and renewal of registration**

**ci)** Social workers are overloaded and therefore other competent Department of Social Development officials are required to fulfil these requirements. *All officials involved in the different components of ECD should receive training on the principles and importance of ECD.*

**cii)** A key objective for ECD is to increase access to the large numbers of children outside of existing provision. The importance of registration documents that are ‘user friendly’ (documents appropriate to the language and level of language of the targeted population) must be underscored.

**Clause 82: Consideration of application.**

2(b&d) & 3 Clear guidelines are required regarding a person who is “not fit and proper to work in a partial care facility”.

c) This clause must be linked to Clause 84 (registration) and Clause 77 (provision).

4). Refer to discussion in Clause 81 (ci) re other competent officials.

**Clause 83: Minimum norms and standards**

A definition of norms and standards is required that must address the depth of the problem in ECD; children at risk and vulnerable children must be prioritized. Norms must indicate the standard of service that SA children and their caregivers can expect and standards are the benchmarks of desirable level of quality and efficiency that must be reached.

The relationship of norms and standards to the proposed Regulations and the recently published Guidelines for ECD Services (Dept of Soc Dev 2005) requires clarification and cross referencing. Norms and standards must :

- secure increased ECD service provision via local government and the Integrated Development Plans (IDP's) and budgetary provision;
- indicate how services will be progressively extended in order to reach 100% of children over a stated period of time via different services and a range of appropriate programmes;
- be cross referenced to Chapter 6 Clause 93(2) in order to ensure that every ECD service includes an educational stimulation programme appropriate to the developmental needs of the children.

### **Clause 87 Record of and inspection of and provision for a partial care facility**

The changes to this clause are noted and welcomed.

## **CHAPTER 6 Early childhood development**

**Clause 91:** This section defining the ambit of ECD is problematic as it excludes vulnerable groups of children such as poor and marginalised children, children with disabilities, chronic illnesses, orphaned children and those with HIV and AIDS and all children nine years and older. Early childhood development, for the purposes of this Act, means the process of emotional, mental, spiritual, moral, physical and social development of children from birth to nine **years of age<sup>41</sup> or in accordance with the child's developmental age.**

ECD is the first line of prevention and intervention for children and families.

Therefore Chapter 8 clause 144 needs to be cross referenced here so that early prevention is included in the holistic view of ECD as intended.

Early childhood development services means services intended to promote early childhood development.

**Such services include a range of programmes to support child development including direct support for the role of parents as the child's first duty bearer.**

These programmes include parent support groups, advice and education services, counselling services, referral services and partial care and early childhood development centres and programmes.

Children with disabilities and children living in poverty are more vulnerable to abuse and neglect if their parents are not adequately supported to care for their children's extra needs as caring for a child with a disability places strain on a family. Parents require assistance to move away from using violence (corporal punishment) to discipline their children.

The importance of After care for children up to nine years where parents or caregivers are working must be emphasised.

- Grade R provisioning would also fall under this ambit. This section should however be explicit that the Department of Education is responsible for providing and regulating Grade R services that are attached to the formal

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<sup>41</sup> This is an internationally accepted age category for the early childhood development sector.

schooling system and that the Department of Social Development be responsible for all other ECD provisioning, including grade R offered at community, home based facilities and family outreach programmes.

The present situation is a bit of a grey area in that some of these Grade R or preschool programmes are at schools but the subsidy is from Department of Social Development. The Department of Health is not mentioned yet the role of Health in identifying early developmental lags and advising on intervention strategies as part of the well baby programmes in the early years is critical.

**Clause 92: Strategy concerning early childhood development.**

The inclusion of the strategy aimed at securing a properly resourced, co-ordinated and managed ECD system is welcomed. Nowhere does it say however that the Minister **must provide services and programmes. The lack of budgetary commitment is glaring.**

*“At provincial level ECD function is seldom stand-alone and typically falls under other Directorates. The location of ECD within Provincial departments differs across provinces. They are managed in an ad hoc, inconsistent, unco-ordinated manner”. Most of the problems in the ECD sector are due to the lack of inter-sectoral collaboration.*

**Insert:**

**(1)** The Minister, after consultation with the Ministers for **Education, Health and the Justice**, must include in the departmental strategy a comprehensive national strategy aimed at securing a properly resourced, co-ordinated and managed early childhood development system, which must include **mechanisms to:**

(a) ensure intersectoral co-ordination among the key Ministries which will enable each child to develop to his/her optimal capacity;

(b) extend the range of early childhood development services and programmes in order to extend coverage;

(c) ensure that budgetary requirements and procedures are complied with to secure adequate funds for the provision of early childhood development services and programmes.

**Insert new**

(d) monitor and evaluate access to and quality of ECD services and programmes.<sup>42</sup>

(e) institute data collection disaggregated to ECD age children and particularly to those children in different circumstances.

**92 (2)** in order to promote the participation of civil society in the development of the national strategy, the Minister must publish the national strategy for public comment before finalisation.

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<sup>42</sup> Biersteker, L. & Dawes, A. Early Childhood Development Review, HSRC (2006) in press.

**Clause 93: Provision of early childhood development services.**

**Insert:**

(1) Early childhood development services provided by an organ of state or a designated child protection organisation **or a non governmental organisation** only qualify for funding from money appropriated by a provincial legislature if it complies with the national norms and standards mentioned in subsection (2) and Clause 83.

**Delete:** The use of the words "designated child protection organisation must be removed in order to include the many non governmental, community based organisations and individuals which offer needed services).

**93 1(b) new insert:**

We recommend that budgetary provision be made available and extended to cover all not for profit (NPO)<sup>43</sup> service providers (grants/subsidies must include coverage of facilities, salaries and equipment.

A system of developmental grants is required to assist the ECD service providers to meet registration requirements.

The MEC **must**, from funds appropriated by the relevant Provincial legislature for this purpose, provide for:

(a) Early childhood development services and programmes; and  
(b) the subsidisation of facilities and services by non governmental bodies and **practitioners and** other organs of the state for early childhood development services

(c) development grants for ECD service providers with conditional registration to enable them to reach full registration and become eligible for full registration and subsidisation.

The Interim Policy for ECD recognises the importance of public funding for ECD services. "The public funding of ECD programmes is justified on many grounds. It can help redress past discrimination against young children, protect the rights of children and women, promote human resource development, help prevent costly social pathologies, secure more efficient performance by children in school and improve the effectiveness and efficiency of the schooling system"<sup>44</sup>.

Strong political will within Provincial government to enhance ECD provisioning. This is particularly important with regard to budgeting processes because in certain provinces funding for ECD services are absorbed for other expenditures. It is proposed that funding for ECD projects be ring fenced so that they are not used for any other purposes, or provided through a conditional grant. ECD should be moved from the periphery of government to its core thus getting the appropriate budgeting attention it requires.<sup>45</sup>

**Insert:**

**93 (1). (2)** The Minister must determine the national norms and standards after consultation with the MECs for Social Development, **Health, Education and Justice**, the Financial and Fiscal Commission, the Minister of Finance and the Minister of Education.

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<sup>43</sup> Non profit organisations(NPO's) is a term sometimes used to include all service providers including NGO's and CBO's.

<sup>44</sup> Op Cit 2, p28

<sup>45</sup> Op Cit 20 ,p4



Most of the problems in the ECD sector are due to the lack of inter-sectoral collaboration. *“At Provincial level ECD function is seldom stand-alone and typically falls under other Directorates. The location of ECD within Provincial departments differs across provinces. They are managed in an ad hoc, inconsistent, uncoordinated manner”. Even within Departments different aspects fit under different Directorates.*<sup>46</sup>

*The 2001 White Paper on Early Childhood Development<sup>47</sup> seeks to increase the amount and quality of ECD provision through inter-sectoral collaboration. Key elements are the phasing in of a compulsory Reception Year (Grade R)<sup>48</sup> for children by 2010, a variety of programmes for children birth to 5 years including developmental screening, home based and family education outreach programmes, nutrition and health programmes; practitioner development and the development of a strategic plan for inter-sectoral collaboration with the other role players involved in pre-reception year provision. Integration was identified and supported unanimously by all parties as a major goal and as a challenge to be addressed in the development of the Guidelines for ECD Services. (2005).*

An Integrated Plan for ECD in SA (2005-2010) Department of Education (not yet available) also refers.

### **93(2) Norms and standards**

Refer to Clause 77 (2) and 83. There is confusion within the sector on what Norms and standards are currently in operation and how this relates to the “Regulations” and to the manual ‘Guidelines for Day Care’ (Dept of Social Development Oct 2005).

#### **Norms and standards must also:**

- secure increased ECD service provision via Local Government and the Integrated Development Plans (IDP's) and budgetary commitments;
- indicate how services will be progressively extended in order to reach 100% of children over a stated period of time via different services and a range of appropriate programmes;
- ensure that a nutrition programme is incorporated into every ECD programme in order to counter the high rates of malnutrition, under-nutrition and stunting suffered by large numbers of children in this age group resulting in severely adverse effects on brain and physical development.

***Cross reference to Chapter 5 Clause 83 in order to ensure that every ECD service includes an educational stimulation programme appropriate to the developmental needs of the children;***

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<sup>46</sup> Ibid

<sup>47</sup> Op cit 3

<sup>48</sup> The South African Schools Act has been amended to the effect that admission age to Grade R is age 4 turning 5 by 30 June in the year of admission.

**Clause 94: Minimum standards**

94(1) Early childhood development services complying with the minimum requirements prescribed by regulation must be provided by-

**Delete and Insert:**

(a) a partial care facility providing partial care services for any children up to **nine years of age or appropriate developmental age**

(b) a child and youth care centre which has in its care any children up to **nine years of age or appropriate developmental age.**

**New insert:**

(c) a primary school as part of its regular education programmes.

**(2) Insert:**

Any person or organisation **or school not** disqualified in terms of section 96(3) may provide early childhood development. These are necessary alignments in order to ensure the inclusion of all children in early childhood services and programmes. We recommend that schools be included as ECD providers.

Partial Care for children above nine years or children according to their developmental age will require an appropriate programme although not necessarily an early childhood programme.

**Clause 95: Early childhood programmes to be registered**

Due to the need for regulating and monitoring the sector, this is a welcomed addition. Registration must include Family outreach/home visiting programmes but regulations for these services would be different. It is recommended that the registration fee as a requirement be omitted. Fees are a barrier to provision in poorer communities.

**Clause 96 - Consideration of applications**

The following amendments are recommended:

96 (2) When considering an application for registration, the Provincial Head of Social Development must take into account all relevant factors including whether-

**Insert:**

(a) the early childhood development facility and programme complies with the minimum requirements prescribed by regulation; *or does not comply but submits a proposal that shows commitment towards compliance and has requested assistance for this purpose.*

**Insert:**

(b) refer to Clause 82 2(b) & 82 (3)

(c) the applicant has the necessary skills, funds and resources available to provide the early childhood development services in accordance with the early childhood development applied for; *or does not have the necessary skills, funds and resources, but submits a proposal that shows commitment towards obtaining them and has requested assistance for this purpose.*

**Insert:**

(d) the early childhood development programme meets the emotional, mental, spiritual, moral, physical and social development needs of the children in that partial care facility or child and youth care centre, *or does not meet the emotional, mental, spiritual, moral, physical and social development needs of the children in that partial care facility or child and youth care centre but shows commitment towards meeting these needs and has requested assistance for this purpose.*

3) Refer Clause 82 (b) and 82 3.

If the Bill places the obligation on ECD service providers to meet certain requirements in order to register, the Department of Social Development should indicate its willingness to assist these service providers with the necessary funds, skills and resources in order to become registered and subsidized. Regulations must be drafted carefully so that they enhance the possibilities for extending provision of services and do not act as barriers.

**Insert:**

96 (4) The provincial head of social development must consider a report of a social worker, **or any other authorised official of the Department of Social Development** before deciding an application for registration, conditional registration or renewal of registration.

It is proposed that applicants have to be considered for registration even if they have not met minimum requirements but are committed to doing so **with financial assistance**.

It is also recommended that other competent staff in the department of social development other than social workers should also be mandated to handle ECD applications to lessen the workload of social workers and speed up the process. *All officials involved in different components of ECD should receive some form of training on the principles and importance of ECD.*

**Clause 97 - Conditional registration to be altered to Registration of ECD programmes.**

**(b) stating a reasonable time period** whereby which minimum requirements must be adhered to.

We welcome the provision that the Bill makes for **conditional registration**. This allows for ECD facilities to be registered if they have not met all requirements but on condition that they meet the requirements as stipulated by the Department. It is however proposed that the section be amended to acknowledge that service providers be given a time frame within which to adhere to minimum standards providing for any matters that may be prescribed by regulation.

**Insert:**

**Developmental grants must be made available** to assist providers to meet minimum standards and become fully registered

**Section 99 - Notices of Enforcement**

**Insert:**

- It is recommended that notice of enforcement be accompanied by **an offer** of financial and/or developmental assistance by the state to aid compliance with minimum standards if the ECD **programme** is unable to meet the minimum requirements due to lack of resources.

**Section 100 - Re- insert re Assistance**

An assistance package is essential and must be re inserted as a priority. The criteria must be spelt out with regard to who qualifies for the assistance.

**Insert:**

**100 (2) A provincial head of social development must ensure that ECD service providers granted conditional registration have access to financial and other appropriate assistance to enable them to comply with minimum standards and thus reach full registration.**

## Section 103- Regulations

It is recommended that section 103(b) be amended as follows:

(b) the procedure to be followed in connection with the lodging and consideration of applications for registration in terms of this Chapter and for the renewal of such registrations;

**c) Insert:** Assessment and compulsory monitoring of early childhood development services or programmes must be offered at partial care and child and youth care centres. Training of ECD practitioners must include ECD family workers. Any registered facility must state how practitioners are proceeding with their training. It is the responsibility of the Department of Education to provide learnerships and to work collaboratively with NGO's and other organisations regarding training programme delivery and quality assurance.

## Chapter 8: Prevention and early intervention

Insert:

Early intervention services means social development services **including early childhood development services** which are:

ECD must be brought forward as the first line of prevention. In these critical early years the child acquires basic cognitive, behavioural and social skills required for future schooling and participation as a citizen in a democratic society. If ECD does its job then less will be required of the protection system.

143(a)

**Insert:**

Provided to **all families where there are children and particularly to those who are poor and marginalised (outside of existing service provision), as well as those who are suffering from disabilities and chronic illnesses as well as those identified as being vulnerable to or at risk of harm or removal into alternative care.**

A comprehensive plan is required which takes into account the needs of all children and which makes a concerted effort to increase the stock of services and programmes – otherwise all we are doing is maintaining the status quo. Those in need will remain outside of the system and that is an estimated 84% of ECD aged children.

144(1)

Prevention and early intervention services or programmes including ECD services and programmes must focus on identifying gaps in provision and supporting **the establishment and development of a range and level of early childhood services and programmes appropriate to children and families in need. This includes orphaned, vulnerable and marginalised children and children with disabilities and chronic illnesses including those children infected and affected by HIV AIDS.**

This clause must be more specific and must state "a commitment to reaching the majority of poor and marginalised children who are outside of existing service provision. ECD and Partial Care services and programmes are the first line in the survival, protection and development of children– intervention before the formal route via the courts. Intersectoral planning at government level is essential. There are 9 Ministries with responsibility for children but the Social cluster of Health, Social Development and Education bears particular responsibility for data compilation in order to identify gaps, provision and implementation (aim being to set and meet

targets which confront the backlog of apartheid disparities that affect children and their caregivers) Measurement of outcomes is also critical (behavioural, cognitive). Services to include training, advice, guidance and counselling. Programmes refer to the educational and developmental aspects appropriate to the child's age and stage and to the needs of the caregiver e.g. holistic ECD programming which includes positive discipline, conflict resolution/management etc.

144(2)

Prevention and early intervention services and programmes must **a) assist and support families to obtain basic essential services and child development information e.g. grants, housing subsidies, water and sanitation and ECD information about how children grow and develop sensitive to traditions, beliefs and customs around child raising. b) Empower families to obtain access themselves via support services and information.**

144(3) Prevention and early intervention services must involve and promote the participation of families, parent, caregivers and children in identifying **and seeking solutions for problems.** Problems cannot necessarily be resolved but people can be encouraged to participate in seeking solutions. Children as rights holders must be promoted.

145(1) Obligations on all government departments not necessarily Social Development.

145(2) Remains as is but insert: The importance of **measurable outcomes must be included in norms and standards.** Outcomes such as child health, nutrition, physical, cognitive, social and emotional development (includes life skills). The importance of monitoring and evaluation of both the provision and quality of ECD services and programmes must be underscored.

**147 Insert:** The Minister must **address the existing strategies and plans in the relevant government departments and consult with civil society and non governmental organisations in developing a comprehensive national strategy and plan aimed at securing .... The designated MEC must ensure the provision of a range of services and programmes starting with early childhood development. NGO's and CBO's must be empowered through funding, monitoring and evaluation services to extend provision of services and programmes.** Various government departments have developed their own strategies and plans and there is an urgent need for mechanisms such as the national policy framework to ensure the development and implementation of an integrated plan for implementation within particular parameters and time frames. This cannot be overstated. The Minister must clarify which tier of government is responsible. Links with national priorities. The structure and functions between government and civil society must be made transparent so that consultative processes occur in advance of policy development.

**147 Insert:** The Provincial Head of Social Development will assign the performance of any of the services described in section 145(1) to a municipality or **to non governmental organisations by agreement and will ensure that the necessary capacity is developed and supported.**

The local authority/municipality together with the non governmental organisations and other agencies e.g. hospitals, clinic, schools bear particular responsibility for ensuring that a range of services and programmes including early childhood development services and programmes are established against the background of

great need in SA where the majority of children in the 0-9 age group remain outside of service provision **therefore capacity at this level must be developed, supported via training programmes and equipment. Funding is critical.** Programmes must refer to the educational and developmental aspects of a particular programme e.g. an ECD programme that reaches out to families via a home visiting service or a day care centre or a specific nutrition programme for children at risk. **The social grants programmes (CSG, Foster grant etc) must be administered as part of a holistic approach to strengthening children and their families.**

## APPENDICES

### APPENDIX 1:: List of policy documents and related documents for ECD (2006)<sup>49</sup>

Sector	Document Name	Source	Key Aspects
<b>International</b>			
All	Convention on the Rights of the Child (1989)	<a href="http://www.ohchr.org/english/law/crc.htm">http://www.ohchr.org/english/law/crc.htm</a>	Guarantees children of all ages the right to survival, development, protection and participation.
All	Convention on the Rights of the Child, Committee on the Rights of the Child forty-first session (2006)	<a href="http://www.unhcr.ch/tbs/doc.nsf/0/cd82be0fa6116036c12570b50039aa77/\$FILE/G0544829.pdf">http://www.unhcr.ch/tbs/doc.nsf/0/cd82be0fa6116036c12570b50039aa77/\$FILE/G0544829.pdf</a>	This document discusses the broader implication of the Convention on early childhood with a focus on implementing child rights into ECD. It is aimed at encouraging the recognition that young children are holders of all the rights enshrined in the Convention and ECD is a critical period for the realization of these rights. Early childhood is defined as the age group 0- 8 years and state parties are encouraged to construct a positive agenda for rights in ECD.
All	African Charter on the Rights of the Child (1999)	<a href="http://www.itcilo.it/actrav/actravenglish/telearn/global/ilo/law/afchild.htm">www.itcilo.it/actrav/actravenglish/telearn/global/ilo/law/afchild.htm</a>	Guarantees the protection, survival and development of the African child. Also outlines the duties of children towards their parents, family, societies and countries.
<b>National</b>			
All	Constitution of RSA (Act 108 of 1996)	<a href="http://www.info.gov.za/documents/constitution/1996/a108-96.pdf">http://www.info.gov.za/documents/constitution/1996/a108-96.pdf</a>	Bill of Rights especially 2.28 which provides for the right to nutrition, shelter, basic health care and social services, family care or parental care, or to appropriate alternate care; protection from maltreatment, abuse or degradation and, 2.29 which provides for the right to Basic Education (from Grade 1).

<sup>49</sup> Biersteker, L. & Dawes, A Early Childhood Development Review, HSRC (2006) in press.

Sector	Document Name	Source	Key Aspects
All	RSA Children's Bill (August 2003)	<a href="http://childrenfirst.org.za/pdf/childrensbill_04_August_2003.pdf">http://childrenfirst.org.za/pdf/childrensbill_04_August_2003.pdf</a>	Chapter 15 (of the August 2003 draft and chapter 7 of the 2005 draft) deals with ECD. ECD services are defined as formal or informal services offered on a regular basis to six or more children 0 – 9 years to promote their ECD by a person, persons or organisation where the provider of the services is not the parent or primary caregiver of the child. They deal with the regulation of ECD to ensure appropriate ECD and protection. Provincial Education Departments are responsible for ECD services on school premises and provincial Departments of Social Development are responsible for ECD at other non-school premises. Provision is also made for partial care facility any place maintained or used partly or exclusively for the reception, protection, and temporary or partial care of more than 6 children apart from their parents.
Intersectoral	National Integrated Plan for Children Infected and Affected by HIV/AIDS (2000)	<a href="http://www.unicef-icdc.org/research/ESP/aids/chapter6.pdf">http://www.unicef-icdc.org/research/ESP/aids/chapter6.pdf</a>	Departments of Health, Social Development and Education: aims to ensure access to an appropriate and integrated system of prevention, care and support services for children infected and affected by HIV/AIDS. Not ECD specific.
Intersectoral	National Programme of Action for Children (NPA) (Beyond 2000)	<a href="http://www.info.gov.za/otherdocs/1996/chilprog.htm">www.info.gov.za/otherdocs/1996/chilprog.htm</a>	Policy priorities include: - Nutrition- Child and maternal health- Water and sanitation- ECD and basic education- Social welfare development- Leisure and cultural activities- Child protection measures. The NPA integrates Government and NGO policies and plans within these areas.
Intersectoral	White Paper on Integrated National Disability Strategy (1997)	<a href="http://www.polity.org.za/html/govdocs/white_papers/disability1.html">www.polity.org.za/html/govdocs/white_papers/disability1.html</a>	Very young children with disabilities are a focus group but this is not ECD specific.
Intersectoral	An Integrated Plan for ECD in South Africa (2005- 2010)	Not available except in summary from DoE presentations.	The plan aims at greater integration for ECD through a comprehensive approach to policies and programmes, networking to improve the use of resources and intersectoral collaboration across government, NGOs and communities.
Intersectoral	Expanded Public Works Programme Social Sector Plan (EPWP 2004/5 – 2008/9)	<a href="http://www.capegateway.gov.za/eng/directories/projects/7319/86919">http://www.capegateway.gov.za/eng/directories/projects/7319/86919</a>	This is a medium term government programme aimed at reducing unemployment and alleviating poverty. The Social sectors EPWP for 2004/5 - 2008/9 targets ECD and home community based care for AIDs sufferers. For ECD the programme is targeted at untrained or under-trained personnel. This programme includes learnerships at levels 1, 4 and 5.



Sector	Document Name	Source	Key Aspects
Education	White paper 6: Special Needs education (2001)	<a href="http://www.info.gov.za/whitepapers/2001/educ6.pdf">http://www.info.gov.za/whitepapers/2001/educ6.pdf</a>	Outlines various strategies for establishing an inclusive education and training system. The strategies include mobilisation to include out-of-school children with disabilities, targeting the early identification of a range of diverse learning needs and intervention in the Foundation Phase of schooling.
Education	National Commission on Special Needs in Education and Training and National Committee on Education Support Services (1997)	No web address available.	Focus in this report on early identification, assessment and intervention with learners likely to experience barriers to learning. Particular emphasis in pre-formal schooling on intersectoral collaboration with Health and Welfare.
Education	Human Resource development strategy for South Africa (2001)	<a href="http://www.education.gov.za/content/documents/296.pdf">http://www.education.gov.za/content/documents/296.pdf</a>	ECD is a focus of the Human Resource Development Strategy of the Departments of Labour and Education (2001). This strategy aims to provide people with a solid educational foundation for social participation, as well as relevant and marketable skills at the further and higher education levels.
Education	Revised national curriculum statement (2002)	<a href="http://www.info.gov.za/otherdocs/2002/natcur.pdf">http://www.info.gov.za/otherdocs/2002/natcur.pdf</a>	6 learning areas, programmes and phases for Education. Grade R falls in the Foundation Phase for which there are learning outcomes in all 6 areas but facilitated through literacy, numeracy and life skills learning programmes.
Education	National standards body Regulations of 28 March 1998, the Standards Generating Body (SGB) for Early Childhood Development	<a href="http://www.saqa.org.za/">http://www.saqa.org.za/</a>	This document discusses the Basic Certificate in ECD. It outlines the need for skilled staff and further outlines the levels of training for ECD practitioners.
Education	White Paper on Education and Training (1995)	<a href="http://www.info.gov.za/whitepapers/1995/education1.htm">www.info.gov.za/whitepapers/1995/education1.htm</a>	Defines the Department's role in developing policy for children 0 - 9 with an initial focus on 5 year olds and phasing in a Reception Year. Commitment to interdepartmental committees and partnerships with NGOs, ECD practitioner groups and private sector.
Education	Interim ECD policy (1996)	<a href="http://www.info.gov.za/otherdocs/1996/childdev.htm">http://www.info.gov.za/otherdocs/1996/childdev.htm</a>	Outlines general principles for ECD provisioning and aspects of a National Pilot Project to test a low cost model and curriculum for implementation of a Reception Year in partnership with NGOs and community based ECD service providers.

Sector	Document Name	Source	Key Aspects
Education	White Paper 5: Early Childhood Development (2001)	<a href="http://www.info.gov.za/whitepapers/2001/educ179.pdf">http://www.info.gov.za/whitepapers/2001/educ179.pdf</a>	Policy for the establishment of a national system of provision for the Reception Year, aimed at children aged 5 years. For younger children, the department proposes the development of a strategic plan for inter-sectoral collaboration (See Integrated Plan for ECD in South Africa). There will be subsidisation of early learning programmes for children aged 4 years from poor rural and urban families, for those infected with HIV or AIDS and for children with special learning needs.
Education	Draft National Strategy on Screening, Identification, Assessment and Support (May 2005)	<a href="http://www.education.gov.za/content/documents/784.pdf">http://www.education.gov.za/content/documents/784.pdf</a>	This document is in draft form and includes guidelines for early identification and intervention for children 0 – 5 years at home and those accessing ECD services. It notes that provision of early support services is an intersectoral responsibility of health, social services and education. It suggests mechanisms for tracking learners so that they will be able to access formal school. ECD teachers are expected to help parents with requests for additional educational support.
Health	White Paper on the Transformation of Health in South Africa (1997)	<a href="http://www.info.gov.za/whitepapers/1997/health.htm">http://www.info.gov.za/whitepapers/1997/health.htm</a>	Free maternal and child health, integrated nutrition strategy, environmental health - safe water and sanitation, communicable disease control.
Health	Free Health Care Policy (1994)	<a href="http://www.hst.org.za/uploads/files/fhc.pdf">http://www.hst.org.za/uploads/files/fhc.pdf</a>	Free health care for children under 6 years.
Health	Maternal, Child and Women's Health Policy (1995)	<a href="http://www.doh.gov.za/docs/policy/mcwh-draft.pdf">http://www.doh.gov.za/docs/policy/mcwh-draft.pdf</a>	MCWH is prioritised in the RDP and the National Health Plan. Key programmes include free health care, immunisation, reduction of mortality and morbidity from common diseases, improved nutrition, health education for priority issues and redirected training and education for health workers.
Health	Integrated Nutrition Strategy	<a href="http://www.doh.gov.za/docs/policy/norms/part2c.html">http://www.doh.gov.za/docs/policy/norms/part2c.html</a>	Children under 5 years are a prioritised target for nutritional intervention. The programme includes education, food supplementation, micronutrient supplementation and education. Intersectoral focus with development committees to facilitate administration.
Welfare	White Paper for Social Welfare (1997)	<a href="http://www.welfare.gov.za/Documents/1997/wp.htm">http://www.welfare.gov.za/Documents/1997/wp.htm</a>	Prioritises disadvantaged children under five years and especially children under three. Commitment to subsidising a range of programme options to help meet varied ECD needs of families.
Welfare	Guidelines for Early Childhood Development Services (November 2005)	Web address not yet available. Those on the web are a previous version.	The guidelines include childcare legislation, the procedure for registration, minimum standards, the health, nutrition and educational aspects of a day-care programme, quality assurance as well as information on the inclusion of children with disabilities and children with HIV/AIDS.

Sector	Document Name	Source	Key Aspects
Welfare	Child Support Grant (1997)	<a href="http://www.capegateway.gov.za/Text/2004/1/act106of97.pdf">http://www.capegateway.gov.za/Text/2004/1/act106of97.pdf</a>	In terms of the Welfare Laws Amendment Act 107 of 1997 a child support grant is payable for needy children under 7 years. It was extended progressively to under 15 years in 2004.
Welfare	Interim Policy Recommendations of the Inter-Ministerial Committee on Young People at Risk (1997)	Web address not available. Available from department of Social services.	Integrated framework for the child and youth care system emphasising prevention to promote resilience and early intervention. Principles include family preservation, exposure to activities and opportunities, which promote normal development. Welfare is the lead department of this intersectoral initiative.
Labour	Manpower Training Act (1981)	<a href="http://search.sabinet.co.za/WebZ/pdf/ggaz_pdf/2005/jan/gg27641_nn528.pdf?sessionid=01-64062-1829670882&amp;format=F&amp;dbname=gov">http://search.sabinet.co.za/WebZ/pdf/ggaz_pdf/2005/jan/gg27641_nn528.pdf?sessionid=01-64062-1829670882&amp;format=F&amp;dbname=gov</a>	The Manpower Training Act provides for the training of unemployed persons and some childcare worker training is subsidised by the Department.
Labour	Basic Conditions of Employment Act (1997)	<a href="http://search.sabinet.co.za/WebZ/FETCH?sessionid=01-63987-1947788100&amp;recno=52&amp;resultset=1&amp;format=F&amp;next=law/law_nffull.html&amp;bad=law/law_badfetch.html&amp;entitytoprecno=52&amp;entitycurrecno=52">http://search.sabinet.co.za/WebZ/FETCH?sessionid=01-63987-1947788100&amp;recno=52&amp;resultset=1&amp;format=F&amp;next=law/law_nffull.html&amp;bad=law/law_badfetch.html&amp;entitytoprecno=52&amp;entitycurrecno=52</a>	The Basic Conditions of Employment Act regulates service conditions and would apply to ECD practitioners not in the employ of national or provincial government. Some provisions of broader relevance for the ECD sector include provision for maternity leave, protection for pregnant or nursing employees and family responsibility leave.
Labour	Skills Development Act (1998)	<a href="http://search.sabinet.co.za/WebZ/pdf/ggaz_pdf/2006/jan/gg28459_nn117.pdf?sessionid=01-64016-1893653103&amp;format=F&amp;dbname=gov">http://search.sabinet.co.za/WebZ/pdf/ggaz_pdf/2006/jan/gg28459_nn117.pdf?sessionid=01-64016-1893653103&amp;format=F&amp;dbname=gov</a>	Sector Education and Training Authorities (SETAs) have been set up in terms of the Skills Development Act. Employers of 50 or more employees are required to employ a skills development facilitator to develop and implement a workplace skills plan. Such employers are levied at 1% of their salary bill and grants can be recovered against the levy for planning and implementing workplace skills plans. Twenty percent of the levy is top-sliced and goes to the National Skills Fund for funding prioritised areas of skills development. There is a budget in the SETA from the National Skills Fund for development of skills in the ECD sector. ECD has also been prioritised for skills development by the ETDP Sector Education and Training Authority through learnerships and skills programmes.

#### Provincial

Intersectoral	Integrated Provincial ECD Strategy for the Western Cape (2005)	Web address not available.	This strategy aims to ensure access to effective, efficient, holistic and integrated ECD services, which address the cognitive, emotional, physical and nutritional needs of young children as well as maximizing conditions and opportunities for each child to develop through the integration, co-ordination and intersectoral collaboration of the DoH, DoE and DSSPA.
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Sector	Document Name	Source	Key Aspects
Intersectoral	HRDS Committee Towards an Integrated Human Resource Development Strategy (2005)	Web address not available.	According to this strategy ECD should be expanded to cover all five-year-olds by 2010. It further calls for an inter-departmental approach. This document also highlights some of the challenges within ECD.
Welfare	Department of Social Services and Poverty Alleviation Strategic Plan 2005-2009	<a href="http://www.capegateway.gov.za/Text/2005/4/strategic_plan_2005-2009.pdf">http://www.capegateway.gov.za/Text/2005/4/strategic_plan_2005-2009.pdf</a>	This Strategic Plan (for 2002/2003 and from 2004/2005 to 2009/2010) is aimed at building a caring society and a better life for children. It includes among other provisions, a commitment to improved social grants administration, a strong focus on mitigating the impact of HIV/AIDS on poor communities, the Expanded Public Works Programme (EPWP) which has provisions for ECD and home/community-based care and support and a new policy of financial support to NGOs and other civil society organisations serving the needy and vulnerable.
Welfare	Department of Social Development. Expanded Public Works Programme: Implementation Plan Western Cape ECD/ Home Community Based Care (2004)	<a href="http://www.capegateway.gov.za/eng/pubs/speeches/2004/sep/84199">http://www.capegateway.gov.za/eng/pubs/speeches/2004/sep/84199</a>	The Programme's objectives are to use existing government and public entity budgets to reduce and alleviate unemployment and increase the ability of workers to earn an income, either through the labour market or through entrepreneurial activity. The ECD programme aims to develop skills amongst ECD (ECD), 119 learnerships; Community CSG registration assistants assist in door-to-door campaigns.
Welfare	ECD Manual	Available from the Department of Social Services and Poverty Alleviation.	The Guidelines for Early Childhood Development Services is a manual, which prescribes minimum standards for ECD services (including home based, community-based and centre bases facilities) as well as ASC centres. This document includes the rights and needs of the child, childcare legislation, minimum standards, procedures and requirements to establish, run and maintain a place of care.
Education	A Human Capital Development Strategy for the Western Cape - a Focus on Youth (August 2005)	<a href="http://wced.wcape.gov.za/documents/human_capital/index_hc.html">http://wced.wcape.gov.za/documents/human_capital/index_hc.html</a>	The strategy focuses on a long-term process of building the human capital from ground up. This strategy supports an integrated approach to the physical, social and cognitive development of all 0 – 4 year olds living in the province as a programme –based strategy. All five-year-old children in the Western Cape to have full access to high quality learning programmes at the first level of formal education, namely Grade R, by 2010 so that they are ready for school learning.

Sector	Document Name	Source	Key Aspects
Local government	White Paper on Local Government (Government Gazette No 18739, March 1998)	<a href="http://www.dplg.gov.za/documents/wpaper/wpindex.htm">http://www.dplg.gov.za/documents/wpaper/wpindex.htm</a>	Local Government can also promote social development through functions such as arts and culture, the provision of recreational and community facilities, and delivery of aspects of social welfare services. Municipalities have the constitutional power to provide child care facilities and may provide grants to associations for this in terms of the Child Care Act, 1983." (Page 39).
Local government	Policy for Early Childhood Development Centres	<a href="http://www.capetown.gov.za">www.capetown.gov.za</a>	This policy is intended to guide the assessment of new land use development applications for ECD centres.
Local Government	Early Childhood Development Draft Policy Discussion Document for the City of Cape Town 2004	Available from the City of Cape Town	This document outlines the City of Cape Town's role in the registration of ECD facilities. It also mentions the establishment of an ECD unit with the Social Development Directorate of the City of Cape Town. The role of this unit will be to defend and promote the rights of the child; coordinate local activities that address the situation of children; capitalise on the experiences of non profit organisations and other ECD and to promote participation of other social sectors in support of children and child activism.

## **Appendix 2: Registration of ECD programmes; the current situation.**

### ***Description of the current situation - Registration***

Registration procedures are currently very cumbersome. They involve a number of different government departments including the Department of Social Development, Department of Education, and divisions of Local government. Thus ECD facilities often have to meet norms and standards and minimum requirements set by all these departments. In addition to that, some ECD service providers have to register as NPOs as well.

Any person wanting to operate an ECD facility has to make contact with a social worker at the nearest Social Development office where the applicant will be given an application form and other complex documents to complete. Due to the wide geographical spread of the population and the deep rural nature of large parts of the country, access to a Social Development Office can be extremely difficult. Also, departmental staff are not specifically allocated to handle ECD registration or other ECD related queries. The ECD function of social workers is often put on the back burner whilst they attend to their other tasks. ECD is not seen as a priority by staff and therefore it does not get the appropriate attention. The completion of documents is a cumbersome process with which the applicant may require guidance and supervision. In many poor areas quality partial care is provided, often by unqualified

individuals who will find the completion of such documents difficult and view it as a stumbling block. These requirements should be flexible enough to allow for registration or conditional registration for all providers. In addition, applicants should be trained or informed on how they could meet registration requirements.

Once all these documents are completed, the social worker has to instruct the Local Authority to investigate and issue an environmental health certificate. For similar reasons outlined under step one, particularly that of social workers being caught up in other matters, the application can lay unattended to for a long time. The application procedure can be held up whilst waiting for the clearance certificate from Local Authority. It is not stipulated what requirements the applicant must abide by to get the clearance certificate.

**All requirements for registration should be covered in one document.** Local Authority should be given a time frame within which to provide the clearance certificate so that applicants wanting to register are not kept waiting unnecessarily. If all conditions are met, centres are awarded registration for two years after which they will be monitored.

The criteria under which a facility has to re register should be reviewed, and a simpler process be put in place. For example, if the only changes a facility is undergone is a change of ownership and everything else is transferred there is no point in undergoing re registration. Instead the facility can notify the Department of Social Development of the change in ownership and the facility can be closely monitored to see that it is operating as it was under the previous owner.

Apart from the registration requirements for the Department of Social Development, the Department of Education is responsible for the registration of Grade R. Therefore, facilities offering services for children aged 0-9 years (should this be 0 - 9?) will have to meet the registration requirements of both Departments in addition to that of Local Authority. 4 – 9 years is the pattern in some schools.

*“Provincial human, financial, and infrastructural resources to support ECD provincial work are variable and, in most cases, inadequate for the provinces to carry out appropriate monitoring of ECD sites. These include: not enough personnel; personnel with many other duties besides ECD; lack of facilities and funding for transport and communication materials”<sup>50</sup>*

### **Appendix 3: Description of the current situation- Cash subsidies for crèches and for ECD programmes**

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ECD facilities are currently eligible for subsidies from the Department of Social Development if they are registered with the Department (or from the education department if they are registered grade R providers). But many facilities often operate in poor areas and are in need of state support/subsidies in order to comply with the standards required for registration. Registration is a lengthy and expensive process and facilities cannot apply for a subsidy until they are registered. This is a catch 22 situation because if the registration requirements are examined, it is clear that facilities will need a stable source of income to meet some of the registration

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<sup>50</sup> Department of Education (2000) National ECD Pilot Project, p4

requirements. Often ECD facilities assume they will automatically receive subsidisation upon registration.<sup>51</sup> ECD facilities should be allowed to apply for registration and subsidisation jointly to avoid unnecessary delays.

The Children's Bill, in section 97 allows for conditional registration of ECD service providers. Therefore ECD service providers are granted conditional registration and will be granted full registration on compliance with minimum standards. It would be effective for those facilities with few resources to be able to call upon the assistance of the Departments of Education and Social Development to meet registration requirements, thus enabling them to apply for subsidies. It is recommended that facilities that are conditionally registered be in receipt of developmental subsidisation that would aid the facility to satisfy the conditions to be fully registered.

The Department of Education is responsible for subsidising Grade R whereas the Department of Social Development subsidises all other ECD services.

Subsidisation, as it currently stands, is open to the interpretation of officials. Subsidies need to be covered in the regulations in such a way that they are transparent, easy to administer, do not overload bureaucracy, and keep pace with inflation.